

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Eastern District of Texas

FILED CLERK
U.S. DISTRICT COURT
2011 MAR 11 PM 12:31
TEXAS EASTERN

TRACBEAM, L.L.C.

Plaintiff

v.

AT&T Inc., et al

Defendant

Civil Action No. 6:11cv00096

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Nextel of New York, Inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

S. Calvin Capshaw
CAPSHAW DERIEUX, LLP
114 E. Commerce Ave.
Gladewater, Texas 75647

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 2/25/11



CLERK OF COURT

David Malone

Signature of Clerk or Deputy Clerk

Civil Action No. 6:11cv00096

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____.

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Affidavit of Process Server

TRACBEAM, L.L.C.

VS AT&T INC. et al

6:11CV00096

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, AMAR RAMAN being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served NEXTEL OF NEW YORK, INC

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) SUMMONS & COMPLAINT WITH EXHIBITS

by leaving with PAUL MATTHEWS

PROCESS AGENT AUTHORIZED

At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ Business

C/O CORPORATION SERVICE CO. 2711 CENTERVILLE RD. WILMINGTON, DE

ADDRESS

CITY / STATE

On 3/1/11

DATE

AT 12:50 PM

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on _____

DATE

from _____

CITY

STATE

ZIP

Manner of Service:

☒ **Personal:** By personally delivering copies to the person being served.

☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 18 and explaining the general nature of the papers.

☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

☐ **Non-Service:** After due search, careful inquiry and diligent attempts at the address (es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address

☐ Moved, Left no Forwarding

☐ Service Cancelled by Litigant

☐ Unable to Serve in Timely Fashion

☐ Address Does Not Exist

☐ Other

Service Attempts: Service was attempted on: (1) _____

DATE

TIME

(2) _____

DATE

TIME

(3) _____

DATE

TIME

(4) _____

DATE

TIME

(5) _____

DATE

TIME

AGE

35Sex MRace WHeight 5'9Weight 180HAIR BROWN


SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 1ST day of MARCH, 2011.


SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of DELAWARE

OFFICIAL SEAL

KEVIN DUNN

NOTARY PUBLIC-DELAWARE

MY COMMISSION EXPIRES 10/26/2012